

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF U. S. OSIRIS	)	
CORPORATION FOR A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY TO RESELL	)	CASE NO. 93-139
INTRASTATE LONG DISTANCE	)	
TELECOMMUNICATIONS SERVICES WITHIN THE	)	
COMMONWEALTH OF KENTUCKY	)	

O R D E R

On May 5, 1993, U. S. Osiris Corporation ("Osiris") filed its application with the Commission seeking a Certificate of Public Convenience and Necessity to provide intrastate, long-distance telecommunications services as a reseller within the Commonwealth of Kentucky.

Osiris is a Texas corporation proposing to resell the services of telecommunications providers certified in the Commonwealth of Kentucky. Osiris, a.k.a. American Roaming Network, provides long-distance telecommunications service for cellular end-users. If a cellular end-user is outside of the general service area of his provider and needs to complete a cellular call, the end-user's provider may have a roaming agreement<sup>1</sup> with the provider offering service in this service area.

American Roaming Network offers service to cellular end-users where the end-user is roaming in a service area in which his

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<sup>1</sup> A contract between two cellular companies, in which each company recognizes the other company's customer. These agreements provide seamless service to the end-user.

provider has no roaming agreement. American Roaming Network allows the end-user to charge the call to a credit card, thereby immediately identifying the customer and guaranteeing service and payment. Osiris will provide the landline long-distance portion of this call.

Osiris employs no transmission or reception telecommunications equipment or facilities in the performance of its services, and all equipment and networking will be provided by the underlying carrier. Osiris will not construct new facilities in the Commonwealth of Kentucky. Osiris has requested authority to provide operator-assisted telecommunications services.

The information provided by Osiris demonstrates its financial, managerial, and technical capability to provide intrastate, long-distance telecommunications service. On April 12, 1993, Osiris filed its proposed tariff. The Commission requested additional information, which was filed September 30, 1993. After review of the application, the Commission finds that in Exhibit 7 filed May 5, 1993 Osiris has proposed a detailed description of how it would comply with the Commission's policies and procedures set forth in Administrative Case No. 330.<sup>2</sup> These provisions of service should be included in Osiris' tariff as delineated in Appendix A, attached hereto and incorporated herein. The proposed rates as filed September 30, 1993 should be approved as the fair, just, and reasonable rates to be charged.

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<sup>2</sup> Administrative Case No. 330, Policy and Procedures in the Provision of Operator-Assisted Telecommunications Services, Orders dated March 27 and May 3, 1991.

The Commission, having considered the application, the information provided by Osiris, and being otherwise sufficiently advised, HEREBY ORDERS that:

1. Osiris be and it hereby is granted authority to provide intrastate, long-distance telecommunications services within the Commonwealth of Kentucky on and after the date of this Order.

2. Osiris be and it hereby is granted authority to provide intrastate, operator-assisted services upon approval of its tariff.

3. Osiris shall comply with the provisions of the Orders in Administrative Case No. 323.<sup>3</sup>

4. Osiris's authority to provide service in this Commonwealth is strictly limited to those services described in this Order and Osiris's application.

5. The rates and charges proposed by Osiris are hereby approved, as filed on September 30, 1993.

6. Within 30 days from the date of this Order, Osiris shall file its revised tariff sheets in accordance with 807 KAR 5:011, and the restrictions and conditions of service contained herein and shall include the manner in which Osiris will comply with the commission's policies & procedures set forth in Administrative Case No. 330.

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<sup>3</sup> Administrative Case No. 323, An Inquiry Into IntraLATA Toll Competition, An Appropriate Compensation Scheme for Completion of IntraLATA Calls by Interexchange Carriers, and WATS Jurisdictionality, Phase I, Order dated May 6, 1991.

Done at Frankfort, Kentucky, this 10th day of January, 1994.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

## APPENDIX A

### APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 93-139 DATED JANUARY 10, 1994

#### Conditions of Service for the Provision of Operator Services Adopted from Commission Orders in Administrative Case No. 330, Orders Dated March 27, 1991 and May 3, 1991.

(1) Operator-assisted services shall be subject to rate regulation and rates shall not exceed AT&T Communications of the South Central States, Inc.'s ("AT&T") maximum approved rates. "Maximum approved rates" is defined to mean the rates approved by this Commission in AT&T's most recent rate proceeding for measured toll service applicable to operator-assisted calls, as well as the additional charges for operator assistance. Carriers are not permitted to include any other surcharges or to bill for uncompleted calls. Time-of-day discounts shall also be applicable. Carriers are also required to rate calls using the same basis that AT&T uses to rate calls, i.e., distance calculations based on points-of-call origination and termination, definitions of chargeable times, billing unit increments, rounding of fractional units, and minimum usages. When there is any change in AT&T's maximum approved rates, carriers shall file tariffs if necessary to comply with the requirements herein within 30 days of the effective date of AT&T's rate change.

(2) Except as otherwise indicated in this Order, non-dominant carriers shall be subject to regulation as delineated in the May 25, 1984 Order in Administrative Case No. 273 as well as any subsequent modifications to non-dominant carrier regulations. In the event of conflict, the terms of the instant Order shall take precedence, unless

a carrier is specifically relieved from compliance with any conditions contained herein.

(3) Operator service providers that provide service to traffic aggregators shall not allow access to the operator services of competing carriers to be blocked or intercepted. Blocking and interception prohibitions shall be included in tariffs and all contracts entered into with any traffic aggregator and shall state that violators will be subject to immediate termination of service after 20 days' notice to the owners of non-complying customer premises equipment.

(4) Traffic aggregator is defined to mean any person that, in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises for intrastate telephone calls using a provider of operator services. Aggregators include hotels and motels, hospitals, universities, airports, gas stations, and non-local exchange carrier pay telephone owners. This definition includes the provision of all non-local exchange carrier pay telephones even if no compensation is paid to the owner of the pay telephone. The residential use of operator services is specifically excluded from this definition.

(5) Access to the local exchange carriers' operators shall not be blocked or otherwise intercepted by traffic aggregators. Specifically, all "0-" calls, that is, when an end-user dials zero without any following digits, shall be directed to the local exchange carrier operators. In equal access areas, "0+" intraLATA calls, that is, when an end-user dials zero and then dials the digits of the called telephone number, shall not be intercepted or blocked. In

non-equal access areas, it is prohibited to block or intercept "0-" calls; however, it is permissible to intercept "0+" calls. Blocking and interception prohibitions shall be included in tariffs and all contracts entered into with any traffic aggregator and shall state that violators will be subject to immediate termination of service after 20 days' notice to the owners of non-complying customer premises equipment.

(6) Carriers shall not be required to provide access codes of competitors. Each carrier should advise its own customers as to the appropriate 10XXX access code.

(7) Carriers shall provide tent cards and stickers to traffic aggregators to be placed near or on telephone equipment used to access their services and shall include provisions in tariffs and contracts entered into with any traffic aggregator that subject violators to immediate termination of service after 20 days' notice to the owners of non-complying customer premises equipment.

(8) Operators shall identify the carrier at least once during every call before any charges are incurred.

(9) Operators shall provide an indication of the carrier's rates to any caller upon request.

(10) Carriers shall not accept calling cards for billing purposes if they are unable to validate the card.